

## JOURNAL OF THE HOUSE.

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Thursday, November 29, 2007.

Met at eight minutes after eleven o'clock A.M., in an Informal Session, with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Eternal God, we look to You for guidance as we make our daily personal and legislative decisions and set our daily priorities. Your assistance enables us to cope with the challenges of the day and the demands which are made on our time and energies. In these uncertain and changing times in our own country and throughout the world, inspire us to build confidence and trust in each other and in our basic institutions and values. May we, as elected leaders, be patient and good listeners to the concerns of all constituents and work together with them to make our communities stable, family-friendly and prosperous.

Prayer.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Pledge of  
allegiance.

### *Appointment to the Life Sciences Talent Initiative.*

The Speaker announced that he had appointed Representative St. Fleur of Boston to the Massachusetts Life Sciences Initiative (LSTI), sponsored by the Life Sciences Center, the University of Massachusetts and the Massachusetts Biotechnology Council, for the purpose of developing a collaborative statewide strategy among business, government and higher education to ensure that the state's talent needs in the life sciences are met.

Life  
Sciences  
Talent  
Initiative.

### *Statement of Representative Keenan of Salem.*

A statement of Mr. Keenan of Salem was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that I was unable to be present in the House Chamber for the sitting of Tuesday, November 20, due to a previously scheduled family commitment. My missing of roll calls that day was due entirely to the reason stated.

Statement of  
Representative  
Keenan of  
Salem.

### *Resolutions.*

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Representatives Barrows of Mansfield, Poirier of North Attleborough and D'Amico of Seekonk) congratulating Michael Carberry on receiving the Eagle Award of the Boy Scouts of America;

Michael  
Carberry.

Weston  
Forbes.

Resolutions (filed by Representatives Barrows of Mansfield, Poirier of North Attleborough and D'Amico of Seekonk) congratulating Weston Forbes on receiving the Eagle Award of the Boy Scouts of America;

Joshua  
Fortin.

Resolutions (filed by Representatives Barrows of Mansfield, Poirier of North Attleborough and D'Amico of Seekonk) congratulating Joshua Fortin on receiving the Eagle Award of the Boy Scouts of America;

Shail  
Patel.

Resolutions (filed by Representatives Barrows of Mansfield, Poirier of North Attleborough and D'Amico of Seekonk) congratulating Shail Patel on receiving the Eagle Award of the Boy Scouts of America;

Newburyport,  
Immaculate  
Conception  
School.  
John  
Wylde.

Resolutions (filed by Mr. Costello of Newburyport) congratulating the Immaculate Conception School in the city of Newburyport on its one hundred and twenty-fifth anniversary;

Resolutions (filed by Ms. Gifford of Wareham) congratulating John Wylde on the occasion of his twenty-fifth year as General Manager and President of the Wareham Gatemen;

Troops,  
support.

Resolutions (filed by Mrs. Poirier of North Attleborough and other members of the House) supporting the troops and their mission; and

Barbara  
Swords.

Resolutions (filed by Ms. Sandlin of Agawam) honoring Barbara Swords of Westfield on her retirement;

Mr. Scaccia of Boston, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Fresolo of Worcester, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

#### *Communications.*

The following communications were read for the information of the House:

##### *Communications*

Bristol  
County  
Registry  
of Deeds.

From the Bristol County District Registry of Deeds (pursuant to Section 2KKK of Chapter 29 of the General Laws) submitting a spending plan for technology improvements at said registry (copies of said communication forwarded to the committees on Ways and Means and Post Audit and Oversight, in accordance with said law);

Higher  
Education,  
collective  
bargaining.

From the Massachusetts Board of Higher Education (under the provisions of Section 7 of Chapter 150E of the General Laws) submitting a copy of a request for an appropriation to fund certain fiscal year 2008 incremental cost items contained in a collective bargaining agreement between the Board of Higher Education and the Massachusetts Teachers Association/NEA acting on behalf of the Massachusetts State College Association (MSCA);

Human  
Resources,  
civil service  
lists.

From the Human Resources Division of the Executive Office for Administration and Finance (under the provisions of Section 25 of Chapter 31 of the General Laws) submitting a list of certain public safety promotional lists which have been revoked as of November 1, 2007; and

From the Executive Office of Transportation (under the provisions of items 6000-0100 and 6010-0001 of Chapter 61 of the Acts of 2007) submitting copies of several quarterly and special reports, including STIP funding, Chapter 90 PWED fund and certain payroll reports;

Transportation,  
reports.

Severally placed on file.

#### *Annual and Special Reports.*

##### *Annual reports*

Of the Statewide Emergency Telecommunications Board (under the provisions of section 18B (e) of Chapter 6A of the General Laws) relative to the implementation of the enhanced emergency 9-1-1 public safety answering system for the calendar year 2006;

Emergency  
9-1-1  
phone  
system.

Of the Merrimack Valley Regional Transit Authority (under the provisions of Chapter 161B of the General Laws) for the fiscal year 2007;

Merrimack  
Valley Transit  
Authority.

Of Project Bread (under the provisions of item 4400-1001 of Chapter 61 of the Acts of 2007) relative to the status of hunger in the Commonwealth in 2007; and

Project  
Bread.

Of the Treatment Center for Sexually Dangerous Persons (under the provisions of Section 16 of Chapter 123A of the General Laws) for the period ending October 30, 2007 (copies of said report forwarded to the committees on Ways and Means and the Judiciary, in accordance with said law);

Sexually  
dangerous.

A monthly report of the Division of Unemployment Assistance (under the provisions of Section 14 of Chapter 151A of the General Laws) relative to the condition of the Commonwealth's Unemployment Insurance Trust Fund for September, 2007; and

Unemployment  
Assistance.

A preliminary report of the special commission to review the current state of the homeowners insurance market in the Commonwealth (under the provisions of Section 84 of Chapter 61 of the Acts of 2007).

Homeowners  
insurance  
market.

Severally were placed on file.

#### *Petitions.*

Petitions severally were presented and referred as follows:

By Ms. Balser of Newton, petition (accompanied by bill, House, No. 4397) of Ruth B. Basler and others (with the approval of the mayor and city council) relative to preliminary elections in the city of Newton. To the committee on Election Laws.

Newton,  
city  
elections.

By Mr. Driscoll of Braintree, petition (accompanied by bill, House, No. 4398) of Michael W. Morrissey and others (by vote of the town) relative to the initial salary for the mayor of Braintree;

Braintree,  
town  
charter.

By Mr. Finegold of Andover, petition (accompanied by bill, House, No. 4399) of Barry R. Finegold and others (by vote of the town) that the town of Tewksbury be authorized to convey a certain parcel of land to the housing authority of said town;

Tewksbury,  
land  
conveyance.

By Mr. Kulik of Worthington, petition (accompanied by bill, House, No. 4400) of Stephen Kulik and Benjamin B. Downing (by vote of the town) that the town of Goshen be authorized to establish a firearms licensing fund; and

Goshen,  
firearms  
licensing  
fund.

Natick,

retired  
police.

By Mr. Linsky of Natick, petition (accompanied by bill, House, No. 4401) of David Paul Linsky and others (by vote of the town) that the town of Natick be authorized to appoint retired police officers as special police officers in said town;

Severally to the committee on Municipalities and Regional Government.

Somerset,  
administrator.

By Mrs. Haddad of Somerset, petition (accompanied by bill, House, No. 4402) of Patricia A. Haddad (by vote of the town) relative to the residency requirement for the position of town administrator in the town of Somerset. To the committee on Public Service.

Medford,  
property  
taxes.

By Mr. Donato of Medford, petition (accompanied by bill, House, No. 4403) of Paul J. Donato and others (with the approval of the mayor and city council) relative to property tax classifications in the city of Medford. To the committee on Revenue.

Severally sent to the Senate for concurrence.

Elderly,  
vehicle  
excise.

Petitions severally were presented and referred as follows:

By Ms. Callahan of Sutton, petition (subject to Joint Rule 12) of Jennifer M. Callahan for legislation to reduce motor vehicle excises taxes for persons seventy years of age or older.

Elderly,  
property  
tax.

By the same member, petition (subject to Joint Rule 12) of Jennifer M. Callahan relative to the real property tax credit for persons sixty-five years of age or older.

Springfield,  
UMASS  
pharmacy  
school.

By Mr. Curran of Springfield, petition (subject to Joint Rule 12) of Sean Curran and Benjamin Swan for an investigation by a special commission (including members of the General Court) relative to the feasibility of constructing and operating a University of Massachusetts school of pharmacy and health sciences in the city of Springfield.

Jeanne  
Hicks,  
retirement.

By Mr. D'Amico of Seekonk, petition (subject to Joint Rule 12) of Steven J. D'Amico that the Teachers' Retirement Board be directed to grant creditable service to Jeanne Hicks for service outside of the Commonwealth.

Sales tax  
holiday.

By Mr. Jones of North Reading, petition (subject to Joint Rule 12) of Bradley H. Jones, Jr., for legislation to establish a permanent sales tax holiday.

Deerfield,  
land.

By Mr. Kulik of Worthington, joint petition (subject to Joint Rule 12) of Stephen Kulik and Stanley C. Rosenberg relative to authorizing the Division of Capital Asset Management and Maintenance to release a certain parcel of land in the town of Deerfield from the operation of an agricultural preservation restriction.

Arrest  
warrants.

By Mr. O'Flaherty of Chelsea, joint petition (subject to Joint Rule 12) of Eugene L. O'Flaherty and Robert S. Creedon, Jr., relative to arrest warrants for offenders received or transferred under the provisions of the interstate compact.

Carol A.  
Wall,  
sick leave.

By Ms. Spiliotis of Peabody, petition (subject to Joint Rule 12) of Joyce A. Spiliotis for legislation to establish a sick leave bank for Carol A. Wall, an employee of the Department of Mental Retardation.

Community  
preservation  
funds.

By Mr. Turner of Dennis (by request), petition (subject to Joint Rule 12) of William McCormick relative to the expenditure of community preservation funds by municipalities.

Severally, under Rule 24, to the committee on Rules.

### *Papers from the Senate.*

Economic  
development.

A report of the Senate committee on Ways and Means, asking to be discharged from further consideration of the House Bill relative to the economic development of the Commonwealth (House, No. 4383), and recommending that the same be referred to the committee on Bonding, Capital Expenditures and State Assets,— accepted by the Senate, was considered forthwith, under Rule 42; and it was accepted, in concurrence, inasmuch as relates to the reference.

Correctional  
facilities,  
inspection  
reports.

Reports of the Department of Public Health (under the provisions of Sections 5 and 20 of Chapter 111 of the General Laws) relative to inspections of certain correctional facilities, as follows:

Of the Franklin County Jail and House of Correction, in the town of Greenfield;

Of the Hampshire County Jail and House of Correction, in the city of Northampton;

Of the Massachusetts Correctional Institute, in the town of Norfolk; and

Of the Western Massachusetts Regional Women's Correctional Center, in the city of Chicopee.

Severally were spread upon the records of the House; and returned to the Senate.

### *Reports of Committees.*

Life  
sciences,  
expansion.

By Mr. Bosley of North Adams, for the committee on Economic Development and Emerging Technologies, asking to be discharged from further consideration of so much of the message from His Excellency the Governor recommending legislation relative to providing for the investment in and expansion of the life sciences industry in the Commonwealth (House, No. 4234) (as relates to sections 2, 3 and 4),— and recommending that said sections (2, 3 and 4) be referred to the committee on Bonding, Capital Expenditures and State Assets.

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By the same member, for the same committee, asking to be discharged from further consideration of so much of the message from His Excellency the Governor recommending legislation relative to providing for the investment in and expansion of the life sciences industry in the Commonwealth (House, No. 4234) (as relates to sections 7, and 14 to 23, inclusive),— and recommending that said sections (7, and 14 to 23, inclusive) be referred to the committee on Revenue. Under Rule 42, the reports severally were considered forthwith; and they were accepted. Severally sent to the Senate for concurrence.

Miracle  
league,  
establish.

By Mr. Smizik of Brookline, for the committee on Environment, Natural Resources and Agriculture, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 895) of James T. Welch and Stephen J. Buoniconti relative to establishing the miracle league of Massachusetts to provide recreational resources for persons with disabilities,— and recommending that the same be referred to the committee on Children, Families and Persons with Disabilities; and

Schools,  
Internet.

By Mr. Turkington of Falmouth, for the committee on Tourism, Arts and Cultural Development, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 3404) of Bradley H. Jones, Jr., and others relative to school Internet safety policies,— and recommending that the same be referred to the committee on Education.

Under Rule 42, the reports severally were considered forthwith; and they were accepted. Severally sent to the Senate for concurrence.

By Mr. Rodrigues of Westport, for the committee on Consumer Protection and Professional Licensure, on House, No. 4086, a Bill establishing a board of registration of phlebotomists (House, No. 4393).

By Mr. Kaufman of Lexington, for the committee on Public Service, on a joint petition, a Bill authorizing the town of Lakeville to pay benefits to the survivors of call firefighters and reserve police officers (House, No. 3956) [Local Approval Received].

By the same member, for the same committee, on a joint petition, a Bill relative to the retirement and health benefits of certain elected officials of the town of Hull (House, No. 4218) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill relative to the retirement and health insurance of certain elected officials in the town of Tyngham (House, No. 4287) [Local Approval Received].

Severally referred, under Joint Rule 1E, to the committee on Health Care Financing.

By Mr. Smizik of Brookline, for the committee on Environment, Natural Resources and Agriculture, on Senate, No. 480 and House, No. 799, a Bill relative to establishing Massachusetts land conservation incentives (House, No. 799).

By Mr. Turkington of Falmouth, for the committee on Tourism, Arts and Cultural Development, on a petition, a Resolve providing for an investigation and study by a special commission of the feasibility of hosting the summer Olympics (House, No. 3916, changed in line 6 and also in the title, by striking out, in each instance, the word “summer”, and in line 16, by striking out the figures: “2007” and inserting in place thereof the figures: “2008”).

Severally read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

By Mr. Wagner of Chicopee, for the committee on Transportation, on House, Nos. 1281, 2936, 3472, 3484, 3529, 3654 and 3687, an Order relative to authorizing the committee on Transportation to make an investigation and study of certain House documents concerning motor vehicle and school bus operation and safety (House, No. 4404).

By the same member, for the same committee, on House, Nos. 3424, 3490, 3495 and 3635, an Order relative to authorizing the committee on Transportation to make an investigation and study of certain House documents concerning motorcycle operation and safety (House, No. 4405).

Phlebotomists,  
registration.

Lakeville,  
public safety  
personnel.

Hull,  
elected  
officials.

Tyngham,  
elected  
officials.

Land  
conservation  
incentives.

Summer  
Olympics,  
study.

Motor  
vehicle,  
safety.

Motorcycles,  
study.

Severally referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Subsequently Mr. Scaccia of Boston, for said committees, reported, in each instance, asking to be discharged from further consideration of said orders; and recommending that the same severally be referred to the House committee on Rules.

Under Rule 42, the reports severally were considered forthwith; and they were accepted.

By Mr. Scaccia of Boston, for the committees on Rules of the two branches, acting concurrently, that the following bills ought to pass:

Relative to create cranberry nutrient management study commission (House, No. 876); and

Creating a special commission on institutional long term care services (House, No. 1127, changed);

Severally referred, under Rule 33, to the committee on Ways and Means.

By Ms. Coakley-Rivera of Springfield, for the committee on Children, Families and Persons with Disabilities, on a joint petition, a Bill to comply with the federal Adam Walsh Protection and Safety Act of 2006 (House, No. 4352, changed by inserting before the enacting clause the following emergency preamble:

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to further protect children from abuse and neglect as required by federal statute and funding provisions by January 4, 2008, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”).

By the same member, for the same committee, on a joint petition, a Bill to comply with federal Safe and Timely Placement of Foster Children Act of 2006 and the Child and Family Services Improvement Act of 2006 (House, No. 4353, changed by inserting before the enacting clause the following emergency preamble:

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to expand placement options for children as required by federal statute and funding provisions by January 4, 2008, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”).

By Mr. Kaufman of Lexington, for the committee on Public Service, on House, No. 2654, a Bill relative to retirement benefits for the surviving son of John A. Nee (House, No. 4394).

By Mr. Turkington of Falmouth, for the committee on Tourism, Arts and Cultural Development, on a petition, a Bill relative to tourist information boards (House, No. 3416).

By the same member, for the same committee, on a petition, a Bill establishing a disaster and emergency aid fund for Massachusetts artists (House, No. 3421).

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

Cranberrys.

Long term  
care.

Children,  
Adam Walsh  
Act.

Foster  
children,  
placement.

John A.  
Nee.

Tourist  
information  
boards.

Artists,  
emergency  
funds.

Essex  
Regional

Retirement  
System.

By Mr. Kaufman of Lexington, for the committee on Public Service, on a petition, a Bill relative to the Essex Regional Retirement System (printed as Senate, No. 1540, changed by adding at the end thereof the following section:

“SECTION 2. Notwithstanding the provisions of any general or specific law to the contrary any person in the Essex Regional Retirement System who is receiving a retirement allowance pursuant to sections 1 to 28 of chapter 32 of the general laws and whose retirement allowance was calculated pursuant to Option (c) of section 12 of said chapter 32 shall be entitled to a recalculation of his retirement allowance based on an updated mortality table adopted pursuant to section 336 of chapter 149 of the Acts of 2004. After a majority vote of the board, the Essex Regional Retirement Board shall seek approval of this provision by the regional retirement board advisory council. Within ninety days of approval of the regional retirement system advisory council, the Essex Regional Retirement Board shall notify any eligible retiree that a recalculation of his retirement allowance will be made. Such recalculation shall be made within 180 days of the date on which the regional retirement board advisory council approved this provision and shall be retroactive until a date selected by the board and approved by the advisory council, which shall be no earlier than July 1, 2004 and shall be referred to as the recalculation date. The Essex Regional Retirement Board shall pay the recalculated amount to such person each month and in addition shall pay to such person, in one lump sum, the difference between the amount paid after the recalculation date prior to the recalculation and the amount due under the recalculated retirement allowance.”).

Hull,  
public  
works.

By the same member, for the same committee, on the joint petition, a Bill exempting certain positions in the town of Hull from the civil service law (House, No. 4219) [Local Approval Received].

Arbella  
Day.

By Mr. Turkington of Falmouth, for the committee on Tourism, Arts and Cultural Development, on a petition, a Bill relative to the annual proclamation of Arbella Day (House, No. 3408).

Norman  
Rockwell.

By the same member, for the same committee, on a petition, a Bill naming Norman Rockwell as the official artist of the Commonwealth (House, No. 4228).

Governor  
John  
Andrew.

By the same member, for the same committee, on House, No. 3415, a Bill authorizing a plaque recognizing Governor John Andrew (House, No. 4395).

Railroad  
car safety.

By Mr. Wagner of Chicopee, for the committee on Transportation, on a petition, a Bill punishing interference with the safe operation of trains and certain other common carriers (House, No. 3498, changed in line 1, by striking out the figures: “2004” and inserting in place thereof the figures: “2006”).

Handicapped  
parking  
restrictions.

By the same member, for the same committee, on House, Nos. 716 and 3499, a Bill relative to handicap parking restrictions (House, No. 3499, changed in section 1, in line 2, by striking out the figures: “2004” and inserting in place thereof the figures: “2006”).

School bus  
drivers,  
licensing.

By the same member, for the same committee, on House, No. 3436, a Bill relative to the licensing of school bus drivers (House, No. 4396).

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

### *Engrossed Bill.*

The engrossed Bill authorizing the appointment of Kevin P. Farragher as a firefighter in the town of North Andover notwithstanding the maximum age requirement (see House, No. 4143) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill  
enacted.

### *Order.*

On motion of Mr. DiMasi of Boston,—

*Ordered*, That when the House adjourns today, it adjourn to meet on Monday next at eleven o'clock A.M.

Next  
sitting.

At eighteen minutes after eleven o'clock A.M., on motion of Ms. Rogeness of Longmeadow (Mr. Donato of Medford being in the Chair), the House adjourned, to meet on Monday next at eleven o'clock A.M., in an Informal Session.